

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

MAY 6, 2009

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***CLOSED SESSION – 5:30 P.M.
REGULAR MEETING – 6:00 P.M.***

MAYOR JANNEY called the Closed Session Meeting to order at 5:30 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	McCoy, King, McLean
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Bragg

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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CLOSED SESSION

MOTION BY MCLEAN, SECOND BY BRAGG, TO ADJOURN TO CLOSED SESSION UNDER:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Title: City Manager

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:30 p.m. and he reconvened the meeting to Open Session at 6:00 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff, and had no reportable action.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:00 p.m.

ROLL CALL

Councilmembers present:	McCoy, King, McLean
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Bragg

Staff present:

City Manager Brown; City Attorney Lough;
Deputy City Attorney Mendoza; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

MAYOR JANNEY spoke about the dedicated efforts of Councilmembers on regional representation assignments such as SANDAG and MTS and the benefits to the region and local community because of them.

MAYOR PRO TEM BRAGG spoke about attending the League of California Cities Quarterly Dinner meeting in Oceanside along with Councilmember King, and the Heartland Communications Facility Authority meeting; she spoke about her participation in the Citywide Garage Sale and how Dody, a local resident celebrating her 85th birthday, was the cashier, they raised \$467.65 for the Skate Park; and she reported on the Chamber of Commerce meeting where Capt. Gaiani was the guest speaker.

COUNCILMEMBER MCLEAN reported on the First Friday breakfast that took place at the San Diego Country Club and attending the SCEDC meeting along with Mayor Janney where they received information on the importance of water conservation.

COUNCILMEMBER KING also attended the SCEDC meeting; and reported on the League of California Cities Dinner meeting.

COUNCILMEMBER MCCOY reported that she will be attending a Metropolitan Wastewater Board meeting where an increase in rates will be addressed; she announced Baja by the Sea is scheduled for May 30 at Seaport Village; on June 2 COBRO and the Borders Committee will look at the carbon footprint on both sides of the border; and May 9 is Migratory Bird Day.

MAYOR JANNEY announced businesses can hire youths for the summer through Comprehensive Training Services (CTS); and questioned why the capital for recycled piping is higher in the north county compared to the south county and asked Councilmember McCoy to raise the issue at the meeting tomorrow.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

PRESENTATIONS (1.1 - 1.2)

1.1 PRESENTATION OF PROCLAMATION IN RECOGNITION OF NATIONAL BEACH SAFETY WEEK. (0410-30)

MAYOR JANNEY presented the proclamation to Lifeguard Captain Stabenow.

CAPTAIN STABENOW announced an open house will be held at the Dempsey Holder Safety Center on Friday, May 22, from 10:00 a.m. to 2:00 p.m. for elementary school group tours and Saturday, May 23, from 10:00 a.m. to 12:00 p.m. for public tours and at 11:00 a.m. a helicopter ocean rescue demonstration will take place just south of the pier.

1.2 PRESENTATION ON THE PROGRESS 211 SAN DIEGO HAS MADE IN THE PAST YEAR BY MONA FREELS, CHIEF OPERATING OFFICER. (0150-20)

MONA FREELS, Chief Operating Officer of 211 San Diego, gave a PowerPoint presentation.

City Council requested public information also be provided in Spanish, the actual number of calls 211 San Diego receives from Imperial Beach, and that the pie charts have more detailed information so that it captures the needs of I.B. residents.

CONSENT CALENDAR (2.1 - 2.9)

MOTION BY MCLEAN, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.9. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the regular City Council meetings of April 1 and April 15, 2009.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 68368 and 68416 through 68637 with the subtotal amount of \$2,412,937.98; and Payroll Checks 40891 through 40944 for the pay period ending 03/26/09 and 40945 through 40998 for the pay period ending 04/09/09 with the subtotal amount of \$305,230.51; for a total amount of \$2,718,168.49.

2.3 RESOLUTION NO. 2009-6740 – RENEWAL OF MICHAL PIASECKI CONSULTING CONTRACT FOR FISCAL YEAR 2009/2010. (1110-05)

Adopted resolution.

2.4 RESOLUTION NO. 2009-6746 – REVISING COUNCIL POLICY NO. 419: TICKET DISTRIBUTION POLICY TO ALLOW EMPLOYEES TO RECEIVE NO MORE THAN SIX (6) TICKETS PER EVENT. (0420-87 & 0420-95)

Adopted resolution.

2.5 RESOLUTION NO. 2009-6745 – AUTHORIZING PURCHASE OF OPTICAL DRIVE FOR ELECTRONIC RECORDS STORAGE. (1110-05)

Adopted resolution.

2.6 RESOLUTION NO. 2009-6744 – AUTHORIZING STAFF TO RECEIVE SUMMARY BACKGROUND REPORTS. (0390-05)

Adopted resolution.

2.7 RESOLUTION NO. 2009-6748 – AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF SAN DIEGO HEALTH AND HUMAN SERVICES AGENCY REGARDING PARTICIPATION IN AND REIMBURSEMENT FUNDING FOR THE CITIES READINESS INITIATIVE PROGRAM. (0210-05)

Adopted resolution.

2.8 RESOLUTION NO. 2009-6747 – AUTHORIZING THE FIRST AMENDMENT TO AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND SCRIPPS HEALTH FOR EMERGENCY MEDICAL TECHNICIAN PARAMEDIC FIELD CARE AUDITS AND QUALITY IMPROVEMENT PROGRAM/PLAN. (0250-20)

Adopted resolution.

2.9 RESOLUTION NO. 2009-6752 – AUTHORIZING SALE OF SURPLUS PROPERTY. (0380-45)

Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION/PUBLIC HEARING (4.1)

4.1 ORDINANCE NO. 2009-1084 – AN ORDINANCE REPEALING AND ADDING SECTION 3.04.160, RELATING TO PROFESSIONAL SERVICES CONTRACTING PROCESSES. (0400-95)

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2009-1084.

CITY CLERK HALD read the title of Ordinance No. 2009-1084, "An ordinance of the City Council of the City of Imperial Beach, California, repealing and adding Section 3.04.160, relating to professional services contracting processes."

MOTION BY MCLEAN, SECOND BY MCCOY, TO DISPENSE THE SECOND READING AND ADOPT ORDINANCE NO. 2009-1084 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (5.1 - 5.4)

5.1 KAMAL NONA (OWNER)/STOSH THOMAS (ARCHITECT); CONDITIONAL USE PERMIT (CUP 060398), DESIGN REVIEW (DRC 060399), SITE PLAN REVIEW (SPR 060400) FOR TWO MIXED USE DEVELOPMENTS WITH TWO RETAIL COMMERCIAL SPACES AND TWO RESIDENTIAL UNITS FOR EACH DEVELOPMENT (FOUR COMMERCIAL AND FOUR RESIDENTIAL UNITS TOTAL) LOCATED AT 1120, 1122 13TH STREET AND 1150, 1152 13TH STREET, IN THE C-3 (NEIGHBORHOOD COMMERCIAL) ZONE. MF 863. (0600-20)

MAYOR JANNEY declared the continued public hearing open.

CITY MANAGER BROWN introduced the item.

ASSOCIATE PLANNER FOLTZ gave a PowerPoint presentation on the item.

FERAS (RUSTY) BARGHOUT expressed concern about shared handicapped parking and having the handicapped traverse through traffic; he claimed there was a green utility box in the middle of the parking lot, he expressed concern about the notification process, the parking agreement, and having to construct a new sidewalk on his property (additional speaking time donated by SAM BARGHOUT).

MAYOR JANNEY announced that over the past year he had spoken to both Mr. Nona and Mr. Barghout regarding the project.

Concerns raised by City Council were: access and parking requirements, the public notification process, the location of the utility box, and xeriscape landscaping; a request was made of staff to show the vote of the Design Review Board in the future.

In response to questions raised, staff clarified that it would be the responsibility of the applicant to pay for access and sidewalk improvements and that the disabled would use an ADA-compliant walkway and not traverse through the parking lot; staff would look at relocating the two handicapped parking spaces so that they are shared evenly by all the businesses.

MOTION BY MCLEAN TO ADOPT RESOLUTION NO. 2009-6739 – APPROVING A CONDITIONAL USE PERMIT (CUP 060398), DESIGN REVIEW CASE (DRC 060399), AND SITE PLAN REVIEW (SPR 060400) FOR TWO MIXED-USE DEVELOPMENTS WITH TWO RETAIL COMMERCIAL SPACES AND TWO RESIDENTIAL UNITS IN EACH BUILDING (FOUR COMMERCIAL AND FOUR RESIDENTIAL UNITS TOTAL) LOCATED AT 1120, 1122 13TH STREET AND 1150, 1152 13TH STREET, IN THE C-3 (NEIGHBORHOOD COMMERCIAL) ZONE. MF 863

City Council discussion continued. Concerns were again raised regarding the process for public notification of the hearing; adding xeriscape landscaping as part of the CUP; a request was made to see copies of the agreements for mutual access parking for neighboring properties and for larger drawings of the plans.

CITY ATTORNEY LOUGH stated that he reviewed the approval of Mr. Barghout's project (the neighboring property) and determined that Mr. Barghout agreed to mutual access and parking arrangements.

COUNCILMEMBER MCLEAN suggested that an ordinance be in place before applicants are required to implement energy-saving alternatives, such as solar panels and double-paned windows; he stated that a reasonable project has been presented and meets the City's codes; he requested a second to his motion.

ORIGINAL MOTION BY MCLEAN FAILED DUE TO A LACK OF A SECOND.

MAYOR JANNEY opposed approval at this time; he supported continuance of the item and requested staff return to City Council with copies of the original CUP of the neighboring property; information on the public noticing process followed for this public hearing; better renderings of the project; information regarding the location of the utility box; and to add xeriscape landscaping as a condition for approval.

MOTION BY KING, SECOND BY MCCOY, TO CONTINUE THE PUBLIC HEARING TO MAY 20, 2009. MOTION CARRIED UNANIMOUSLY.

5.2 RESOLUTION NO. 2009-6741 – CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE LEVY OF THE ANNUAL ASSESSMENT IN A SPECIAL MAINTENANCE DISTRICT (AD 67M). (0345-10)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

MOTION BY MCLEAN, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2009-6741 – CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE LEVY OF THE ANNUAL ASSESSMENT IN A SPECIAL MAINTENANCE DISTRICT (AD 67M). MOTION CARRIED UNANIMOUSLY.

5.3 RESOLUTION NO. 2009-6742 – AUTHORIZING THE RETENTION OF THE CURRENT ANNUAL SEWER CAPACITY FEE. (0390-55)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

MOTION BY KING, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. 2009-6742 – AUTHORIZING THE RETENTION OF THE CURRENT ANNUAL SEWER CAPACITY FEE RATE. MOTION CARRIED UNANIMOUSLY.

5.4 RESOLUTION NO. 2009-6743 – ADOPTING THE INTEGRATED SOLID WASTE MANAGEMENT SERVICES MAXIMUM FEE INCREASE REQUESTED BY EDCO DISPOSAL CORPORATION. (0270-40)

The following were submitted as Last Minute Agenda Information: Correspondence from William E. Johnson, received 04/15/09; Correspondence from City Attorney Mendoza in response to Mr. Johnson's letter, dated 04/30/09; and Correspondence from Marco Perez, hand delivered on 05/06/09.

MAYOR JANNEY announced he had a potential conflict of interest on the item due to a business interest and left Council Chambers at 7:43 p.m.

MAYOR PRO TEM BRAGG declared the public hearing open.

PUBLIC WORKS DIRECTOR LEVIEN announced Steve South, John Snyder, and Ed Burr of EDCO were in attendance and gave a PowerPoint presentation on the item.

CITY ATTORNEY LOUGH reported that a Consumer Price Index (CPI) adjustment is built in and addresses cost of living adjustments.

CITY CLERK HALD announced no speaker slips were submitted.

CITY LOUGH announced two protest letters were received; it would require 3,500-4,000 more protests in order to have a majority protest.

MAYOR PRO TEM BRAGG closed the public hearing.

MOTION BY MCLEAN, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2009-6743 – ADOPTING OF THE INTEGRATED SOLID WASTE MANAGEMENT SERVICES MAXIMUM FEE INCREASE REQUESTED BY EDCO DISPOSAL CORPORATION. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS: MCCOY, KING, MCLEAN, BRAGG
NOES:	COUNCILMEMBERS: NONE
ABSENT:	COUNCILMEMBERS: NONE
DISQUALIFIED:	COUNCILMEMBERS: JANNEY (DUE TO A POTENTIAL CONFLICT OF INTEREST)

REPORTS (6.1 - 6.4)

6.1 RESOLUTION NO. 2009-6749 – ADOPTING AMENDMENT NO. 3 TO THE INTEGRATED SOLID WASTE MANAGEMENT SERVICES AGREEMENT BETWEEN EDCO DISPOSAL CORPORATION AND CITY OF IMPERIAL BEACH. (0270-40)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item and announced a revised Amendment No. 3 and Exhibit 5D were submitted as Last Minute Agenda Information; he responded to concerns regarding the franchise fee.

JOHN SNYDER, of EDCO, announced at the recent Homefront Cleanup event, EDCO serviced 701 customers at a cost of approximately \$10,000 to 15,000; he noted that EDCO has taken part in the event since 2000.

MOTION BY MCLEAN, SECOND BY KING, TO ADOPT RESOLUTION NO. 2009-5749 ADOPTING AMENDMENT NO. 3 TO THE INTEGRATED SOLID WASTE MANAGEMENT SERVICES AGREEMENT BETWEEN EDCO DISPOSAL CORPORATION AND CITY OF IMPERIAL BEACH, AS REVISED BY LAST MINUTE AGENDA INFORMATION. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: MCCOY, KING, MCLEAN, BRAGG
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE
DISQUALIFIED: COUNCILMEMBERS: JANNEY (DUE TO A POTENTIAL CONFLICT OF INTEREST)

CITY ATTORNEY LOUGH thanked Deputy City Attorney Mendoza for her efforts on the item.

PUBLIC WORKS DIRECTOR LEVIEN announced that since contracting with EDCO for solid waste management, the level of City staff effort to manage the program has diminished 70% to 80%; in the past, 400 to 600 delinquent accounts would be brought before City Council but there have been zero delinquent accounts brought before the Council since EDCO has taken over.

MAYOR JANNEY returned to Council Chambers at 8:01 p.m.

6.2 NO ITEM.

6.3 RESOLUTION NO. 2009-6753 – ESTABLISHING THE IMPERIAL BEACH 2009 FISCAL REVIEW AD HOC COMMITTEE. (0120-61)

MAYOR JANNEY announced that he would like to hold off on this item as it is not the right time. The City budget has yet to be adopted, members in the community will be going away for summer vacations, and state impacts are still unknown.

COUNCILMEMBER MCLEAN understood the Mayor's position; he spoke in support of informing the public of the City's financial situation and finding champions in the community to assist with the effort.

Discussion ensued regarding adoption of the City budget on May 20 and the need to look at other revenue sources.

CONSENSUS OF CITY COUNCIL TO TABLE THE ITEM.

6.4 RESOLUTION NO. 2009-6754 – AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR A SKATE PARK DESIGN CONSULTANT (CIP# P07-101) IN AN AMOUNT NOT TO EXCEED \$35,000. (0920-40)

CITY MANAGER BROWN reported on the item.

MOTION BY MCLEAN, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2009-6754 – AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR A SKATE PARK DESIGN CONSULTANT (CIP# P07-101) IN AN AMOUNT NOT TO EXCEED \$35,000. MOTION CARRIED UNANIMOUSLY.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:27 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk